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SUBJECT: UNSC CONSULTATION ON ICTR/ICTY -- JUNE 4

11. (U) The Department requests that USUN draw on the following points for use during the Security Council's June 4 consultations on the Completion Strategies for the International Criminal Tribunal for the Former Yugoslavia and Rwanda (ICTY and ICTR).

Begin Points:

12. (U) The United States thanks the Prosecutors and Presidents for their assessments, and we would like to commend the Tribunals, judges and staff for their dedication to justice. We note the value of the Tribunals, work and recognize the importance of a smooth, efficient drawdown. We welcome the new ICTY registrar, John Hocking, and we note our appreciation for the efforts of ICTR Prosecutor Hassan Jallow and ICTY Prosecutor Serge Brammertz. We would also like to take this opportunity to recognize the many years of dedicated service by former ICTY Registrar Hans Holthuis, as well as the work of his colleague at the ICTR, Adama Dieng.

13. (U) The United States highlights the importance of the Tribunals, work; the legacy of the Tribunals will only be strengthened by the creation of a durable and appropriate residual mechanism and we applaud the work the Tribunals have done to advance that goal thus far. We urge both Tribunals to continue to strive to complete their work at the earliest possible date. We note in this regard that the 2008 goal for completion of trials has not been met, but we recognize that efforts are being made to increase efficiency and to wrap up work through the use of ad litem judges, extensions, and redeployment of trial judges to the appeals chamber. We support these initiatives and believe that the Tribunals, requests to extend the terms of judges should be honored by the Security Council at a minimum through the upcoming biennium.

14. (U) Individuals indicted by the Tribunals for committing some of history's worst crimes should not be allowed to escape justice. The United States stresses the importance of maintaining a vigilant, continued search for the 15 individuals indicted by the ICTY and ICTR who remain at large. We call on all States to fulfill their legal obligations to cooperate fully with the Tribunals.

15. (U) The United States wishes to highlight reports that ICTR fugitive Felicien Kabuga is in Kenya. Kabuga must face justice. We note with particular concern the ICTR Prosecutor's assessment that the Government of Kenya has not complied with requests set out in March 2009, including requests for certain government records relating to Kabuga's assets and details of the government's claim that Kabuga has left Kenya. The United States calls on Kenya to act immediately on the Tribunal's recommendations and take additional steps to deny Kabuga access to his networks of support.

16. (U) The United States understands Rwanda's desire to receive transfer cases from the ICTR, and commends the Prosecutor's support for that effort, as well as Rwanda's and others, work to build capacity in the Rwandan legal system to make transfers possible. The United States calls on member States to assist and support Rwanda in its efforts to increase capacity in the Rwandan judicial system in the

hopes that it will soon be able to receive transfers. The ability of the ICTR to transfer cases to Rwanda and other states as appropriate is an important step towards meeting the Tribunal,s completion strategy. The United States notes that the ICTR transferred information on some of its Rwandan Patriotic Front investigations to Rwanda,s domestic courts in June 2008, and that four RPF officers faced trial. We ask the ICTR to share their expectations as to any possible further cases that deal with the RPF.

¶17. (U) Concerning ICTY cooperation, the United States once again calls on all States to cooperate fully with the ICTY. We commend the Government of Serbia for its efforts to apprehend and transfer persons indicted by the ICTY, and particularly applaud the efforts that led to the capture of Radovan Karadzic last July. We call on Serbia to do everything in its power to locate, arrest and transfer the two remaining fugitives, Ratko Mladic and Goran Hadzic. The arrest of these last two fugitives is crucial for the Security Council as it seeks to ensure a successful completion of the Tribunal,s mandate.

We also recognize Croatia,s efforts to fulfill its obligations to cooperate with the ICTY. The Government of Croatia has facilitated the arrests of all Croatian suspects and has established a solid record of cooperation with the ICTY. We urge continued Croatian cooperation and are hopeful that there can be a satisfactory and rapid resolution of the issue of the documents sought by the ICTY prosecutor in the Gotovina case. We encourage Croatia to work with ICTY officials to accomplish this.

We urge that the countries of the region continue to facilitate and improve cooperation among themselves. Specifically, they must improve information sharing, allow the transfer of war crimes proceedings between states as appropriate, and break down barriers that obstruct extradition of those accused of perpetrating war crimes. Regional cooperation is a critical element to bringing those that have committed crimes to justice.

¶18. (U) The United States notes the importance of the UN Working Group on Criminal Tribunals, and we commend the work of the Austrian chair. We also would like to thank the UN Office of the Legal Counselor for its help in evaluating options for a residual mechanism. The United States remains committed to an efficient, cost-effective residual mechanism that ensures that war criminals cannot escape justice.

¶19. (U) We again thank the Presidents, Prosecutors, Registrars, and their staffs for their work to fight impunity and to create a record for the world of the crimes that occurred.

End points.

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